IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 15084 of 2005

Between:

1 J. Satyanarayana S/o.Simhachalam alias China Babu
R/o.Visalakshi Nagar, Visakhapatnam.
2 Meka Venkata Satya Harichandra Ram Prasad Chowdary S/o.Late Venkata

Rao, R/o.Flat No.304, Sai Towers-I Rendam Gardens, Visakhapatnam

..... PETITIONERS

AND

1 The State of Andhra Pradesh rep by its Principal Secretary to the

Government, Revenue Department Secretariat, Hyderabad.
2 The District Collector and Magistrate, Maharanipeta Post Visakhapatnam.
3 The Mandal Revenue Officer, Visakhapatnam Rural Government Diary

Village Post, Visakhapatnam.
4 The Sub Registrar Registration and Stamps Department, Madhurawada,
Visakhapatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus; a) Declare the action of the respondents in declaring the petitioners land situate in Survey No.159/7, Kommadi Village, Visakhapatnam Rural Mandal, Visakhapatnam as Government land even without passing any final orders in pursuance to the show cause notice dt.16.4.2005 as arbitrary, illegal and violative of Article 14,21, 300A of

the Constitution of India and ; b) direct the respondents to treat the lands of the petitioners in Survey No.159/7 in Kommadi Village, Visakhapatnam Rural Mandal as ryotwari private lands and consequently direct the respondents not to deal with the land as Government land for the purposes of either including the same in Land Bank Account for eventual distribution in favour of beneficiaries or otherwise in any manner and be pleased to pass such other and further order or orders.

Counsel for the Petitioners: MR.NUTY RAM MOHAN RAO

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

O R D E R:

The petitioners seek a Mandamus declaring the action of the respondents in declaring the land belonging to the petitioners in Sy.No.159/7 situated in Kommadi village, Visakhapatnam Rural Mandal, Visakhapatnam, as Government land, without passing any final orders in pursuance of the show-cause notice, dated 16-04-2005, as arbitrary and illegal, and consequently to direct the respondents not to interfere with the possession of the petitioners in respect of the said land.

The petitioners claim to be the owners of the land to an extent of 1496 square yards (i.e., an extent of 718 Sq.Yds., and an extent of 778 Sq.Yds., respectively) having purchased the same from one Mr. P. Ramabhadra Raju and K. Demullu through registered sale deed, dated 13-08-1990, based on the certificate, dated 28-06-1988, issued by the third respondent, wherein it was stated that the said land was neither a Government land nor a Poramboke land nor a Banjar land nor a D-form patta land but a Zeryiti ryotwari dry land. It is stated that the said land forms part of Sy.No.159/7, situated at Kommadi Village, Visakhapatnam Rural Mandal. It is also stated that since the date of purchase, the petitioners have been in continuous possession and enjoyment of the said land. While the matter stood thus, the third

respondent issued a show-cause notice, dated 16-04-2005, under Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (hereinafter referred to as 'the Act'), wherein it was directed to show cause within fifteen days as to why they should not be evicted from the land-in-question and the same was received by the petitioners on 27-05-2005. It is further stated that the first petitioner has submitted an explanation, dated 07-06-2005, before the respondents bringing the above facts to their notice, and enclosed the necessary documents. However, the respondents have taken no further steps. But, in the meanwhile, the land-in-question was declared as Government land by the Revenue Administration and the said information was passed on to the fourth respondent. Hence, the writ petition.

Having heard the leaned counsel for the petitioners, the learned Government Pleader appearing for the respondents and perused the material available on record, and in view of the facts and circumstances of the case, especially in view of the fact that the explanation, dated 07-06-2005, submitted by the first petitioner is pending before the respondents, without expressing any opinion on the merits of the case, I deem it appropriate to direct the respondents to dispose of the said explanation.

The writ petition is accordingly disposed of directing the respondents to consider the explanation, dated 07-06-2005, submitted by the first petitioner and pass appropriate orders after giving due opportunity to the petitioners, in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the respondents shall not interfere with the possession of the petitioners in respect of the land-in-question. No costs.

(ELIPE DHARMA RAO, J)

Date:13-07-2005

ghn

To

1 The State of Andhra Pradesh rep by its Principal Secretary to the

Government, Revenue Department Secretariat, Hyderabad.

2 The District Collector and Magistrate, Maharanipeta Post Visakhapatnam.

3 The Mandal Revenue Officer, Visakhapatnam Rural Government Diary

Village Post, Visakhapatnam.

4 The Sub Registrar Registration and Stamps Department, Madhurawada, Visakhapatnam.

5 Two copies to G.P. for Revenue, High Court buildings, Hyderabad.(O.U.T,.)

6 2 CD copies